

MINUTES OF HARRISONBURG PLANNING COMMISSION

January 13, 2010

The Harrisonburg Planning Commission held its regular meeting on Wednesday, January 13, 2010, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Charles Chenault, Muawia Da'Mes, Alan Finks, Deb Fitzgerald, Bill Jones and J.M. Snell.

Members absent: none.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with all seven members in attendance. He then asked for review and approval of the minutes from the December 9, 2009 regular Planning Commission meeting and the minutes from the December 9, 2009 Comprehensive Plan review meeting.

Mr. Snell moved to approve the minutes from the December 9, 2009 regular meeting.

Mr. Chenault seconded the motion.

All voted in favor of approving the minutes. (7-0)

Mr. Snell moved to approve the minutes from the December 9, 2009 Comprehensive Plan review meeting.

Mrs. Fitzgerald seconded the motion.

All voted in favor of approving the minutes of the Comprehensive Plan review meeting. (7-0)

New Business

Rezoning – Corner of S. High St. & South Ave. (CVS Pharmacy)

Chairman Jones read the request and asked staff to summarize.

Mr. Fletcher said the Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The following land uses are located on and adjacent to the property:

- Site: Automotive mechanic shop and non-conforming uses, zoned M-1
- North: Across the South High Street/South Avenue intersection, commercial uses and dwellings, zoned B-2 and M-1
- East: Across South Avenue, industrial uses, a church, and the Rocking R Hardware property, zoned M-1
- South: Across the Norfolk Southern rail line, residential dwelling units, zoned R-2 and industrial uses, zoned M-1
- West: Across South High Street, non-conforming commercial uses, zoned M-1

Two separate property owners are contracting with Lee Hall Plaza, Inc. to attempt to rezone three properties from M-1, General Industrial District to B-2C, General Business District Conditional for the planned use of a CVS Pharmacy/retail business. The properties are located at the southern corner of the intersection of South High Street and South Avenue—many residents know this property as Logan Corner. Two retail uses, an automotive repair shop, residential dwelling units, an advertising billboard, and several out buildings currently occupy the subject property.

The submitted development plan has been proffered, which incorporates razing all of the existing buildings to make way for a CVS pharmacy/retail building that has two entrances—one, right-in right-out access along South High Street, and one, full service entrance along South Avenue. Staff conveyed to the applicant's engineer to design the "pork chop" island, which would regulate the right-in right-out access, in a manner that would discourage illegal traffic movements on South High Street. The "pork chop" design is shown on the submitted layout, but, if approved, the details would be worked out during the site plan review. As specified in the proffers below, CVS would like to create a shared full service access with the adjacent property owner at 1124 South High Street (tax map 20-A-8A). This entrance would be further south on South High Street than the right-in right-out entrance. If CVS can work out a private arrangement with the adjoining property owner, the right-in right-out entrance may not be provided as the proffers would allow the full service shared entrance. This would be beneficial to the City as it would help reduce the number of entrances on South High Street.

The plan also illustrates CVS's typical pharmacy layout (similar to the CVS at the corner of Port Republic Road and Peach Grove Avenue) consisting of a patron entrance at the corner of the building, parking surrounding the front facades of the building, a drive-thru, a compactor at the rear of the building, a screened dumpster, a corner pylon sign, and enter and exit directional signage at each vehicular entrance. The proposed layout also exceeds the City's landscaping requirements.

The layout illustrates 13 more parking spaces than the required minimum. Rather than having a large, hard surfaced parking area at the corner of the property, staff suggested removing what we believe is unnecessary additional parking, and relocating the building closer to the streets to help create a more aesthetically pleasing property layout. Although they preferred to maintain their traditional design, they have proffered landscaping details suggested by staff to help beautify the property, providing an example of landscaping properties along major travel corridors throughout the City—a goal of the Comprehensive Plan.

The proffered landscaping details include planting and maintaining a large deciduous tree, at two and a half inch caliper at planting, every forty feet on center along their property frontage. It also includes planting and maintaining evergreen trees at the base of the retaining wall, at three feet tall at planting, every ten feet on center. This detail should help the aesthetics of the retaining wall. Most of the other "undeveloped" areas of the property would be covered with grass.

The following proffers were submitted:

1. Applicant will generally comply with the details identified on the Site Plan Sheet Number 1 and Landscape Plan Sheet Number 2 dated July 21, 2009, prepared by Kimley-Horn and Associates, Inc., submitted with its application for Change of Zoning District, with the exception that the "right in, right out" entrance located on South High Street, as shown on the Site Plan, may be replaced by a full access shared entrance as may be negotiated with the adjoining property owner (Roy C. Weller and Amy M.

Weller TM# 20-A-8A) located along South High Street at the south west corner of the subject property.

2. All planted landscaping upon the subject property shall be maintained by the property owner.
3. Applicant shall incorporate into its site plan development, accommodations for future bicycle facilities along the South Avenue frontage.
4. The existing Billboard Sign located on the south side of South Avenue at 191 South Avenue currently under Sign Location Lease dated November 18, 2005 with The Lamar Companies shall be removed by the applicant at the earliest possible date, but not later than sixty (60) days from the end of the current lease term of December 31, 2015.
5. Applicant shall erect only one (1) free standing sign on the subject property until the subject Billboard Sign is removed. No additional free standing store signs shall be allowed on the subject property until such time as the Billboard Sign is removed.
6. Applicant will have “Enter” and “Exit” signs located at the entrances for the subject property but with no additional letters or words on the sign other than enter or exit.
7. Applicant shall take the required actions to have all internal lot lines vacated on the subject properties.

If approved, the above proffers relating to the advertising capabilities of CVS would be further regulated by the Sign Ordinance. Without going into great detail about this issue, from an aesthetic perspective, CVS and staff would like the billboard sign on the property to be removed. It is important for CVS to remove the billboard, as doing so would ultimately allow them to advertise their business with additional signage. They have been working toward an agreement to get the billboard sign removed. Staff and representatives from CVS believed it was best to outline the advertising sign details in proffer form to clarify, for the future, how signs would be handled on the subject property.

A Traffic Impact Analysis (TIA) was performed prior to the submittal of the application. The TIA only analyzed the site with a CVS use in mind, which determined the CVS-generated traffic would have no effect on the overall intersection level of service and would have negligible effect on individual traffic movement—meaning no major traffic improvements were warranted. In addition, the right-in right-out entrance on South High Street would operate in a safe and efficient manner. This entrance, however, would require a taper lane.

Per Section 3.3.3.2 of the Design and Construction Standards Manual (DCSM), sidewalks shall be constructed along the street frontage of all developing and redeveloped properties. This means, if CVS or any future developer were to redevelop this site, sidewalk construction along the street frontages would be part of the development plan. As part of this project, as mentioned above, they have proffered they will construct the bicycle improvements along their South Avenue property frontage.

The subject properties, along with many other properties in this area of the City are zoned M-1, and have had this zoning classification since their annexation into the City. The Comprehensive Plan Land Use Guide designation for these properties and many of the other lots on this section of South High Street is Commercial—meaning a rezoning to B-2 would be more compliant with the City’s long term goals than having properties zoned for industrial use. Staff believes the intended use, and

the B-2 zoning, are beneficial and favorable for the long term plans in this area. This rezoning could initiate new development and/or encourage other re-development projects in this area of the City.

Given the details of the proffers, the determinations of the TIA, and the fact the rezoning is compliant with the City's long term goals, staff supports a favorable recommendation to City Council to rezone the properties from M-1 to B-2C.

Chairman Jones asked if there were any questions for staff.

Mr. Baugh said looking at the landscape plan it appears the tree buffer along the railroad side, stops at the point where the billboard is. Is that the case, and is there any particular reason that it is stopping there?

Mr. Fletcher said it would be welcomed by staff if the buffer continues to the property line. We did convey to the developer that a buffer at the retaining wall would help visually take away from the concrete wall that would back up to the residences. The billboard is high off the ground and I do not see any reason why they could not put landscaping along the property boundary to the corner. There could be some issues within the contract the developer has with the billboard company that does not allow them to block the billboard, we would have to ask the applicant to speak to that.

I would also like to point out that sidewalk will be part of this project; it is a requirement now through the Design and Construction Standards Manual (DCSM). Sidewalk will be installed along both South High Street and South Avenue.

Mrs. Fitzgerald asked if there was any concern about the traffic issues with the full service entrance along South Avenue.

Mr. Fletcher said no, there were no concerns. There was a TIA performed and the CVS-generated traffic did not warrant any major improvements; there was a minor warrant to create a taper lane at the entrance along South High Street.

Mr. Baugh asked if a joint entrance is not worked out with the adjoining property owner, would the South High Street entrance be on the CVS site and would it be right-in right-out only.

Mr. Fletcher replied that is correct. It would be full access if it is a joint entrance on the adjoining property and only right-in right-out if it is on the CVS site.

Mrs. Fitzgerald asked what happens to the full access entrance on South Avenue if the full access, joint entrance is done on South High Street.

Mr. Fletcher said South Avenue would remain full access.

Chairman Jones asked if there were any further questions. Hearing none, he opened the public hearing and asked anyone who wishes to speak in favor of this request to please come forward.

Mr. Dusty Rhodes said he is an attorney here in Harrisonburg, and is the local counsel for the applicant. We appreciate your consideration of the application and we are open to addressing any questions you may have.

Mr. Baugh asked about the issue of the screening along the retaining wall and billboard area that was previously discussed. Can you elaborate on the plans for that screening?

Mr. Rhodes said he will refer to Mr. David Todd for that answer.

Mr. David Todd of the Rebkee Company, said in response to continuing the trees along that side of the property, I do not know of any potential problem with the billboard lease; but I would want to review it before agreeing to anything. It is something I will definitely look into, and I do not see a problem with the idea from an aesthetic or cost perspective.

Chairman Jones asked if there were any further questions. Hearing none, he asked if there was anyone else in favor of the request wishing to speak. Hearing none, he asked if there was anyone opposed to the request wishing to speak. Hearing none, he closed the public hearing and asked the Planning Commission for discussion.

Mr. Finks asked if the trees would be planted on the level at the top of the retaining wall or lower level along the railroad tracks.

Mr. Fletcher replied it would be at the base along the railroad tracks.

Mr. Chenault said he moves to recommend approval of the rezoning request with the stated proffers. I think it is consistent with the zoning in that area, and I was happy to see that the TIA did not warrant any additional issues.

Mr. Finks seconded the motion.

Chairman Jones said there is a motion to recommend approval and a second. He then called for a voice vote on the matter.

All voted in favor of the motion to recommend approval. (7-0)

Chairman Jones said this will be taken up at the February 9, 2010 City Council meeting.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said the zoning inspectors were very busy this month; they visited three neighborhoods – Garbers Church Road, Westover Subdivision and Spotswood Acres. There were a total of 19 violations consisting of inoperable vehicles and discarded materials. The Westover Subdivision had the most with 17 violations; this is up from three years ago. Next month they will visit the Jefferson Street area, this is generally a very big violation area. Also, by inspecting three areas this month, proactive zoning is all caught up and back on schedule for 2010.

Chairman Jones said he attended the County's Planning Commission Meeting this month; on the agenda was the issue of the short term rentals in Massanutten.

Mr. Baugh said at the City Council meeting last night the CIP was approved. The new street name chosen by Council is Bartlett Court.

Chairman Jones said he appreciates everyone's cooperation in the bicycle trip endeavor. I do not know if it has been finalized at this time.

Mr. Fletcher said I believe March dates are being discussed for the visit.

Mr. Chenault said they are rescheduling to March dates because of some frequent flyer mile issues. This will allow some extra people to go at less cost.

Other Matters

Mr. Fletcher said there are two annual reports before you. Only one needs a vote to move forward to City Council, which is the Planning Commission Annual Report. The other report is the internal Community Development Annual Report, which does not need to move forward.

Mrs. Fitzgerald asked if staff was noticing any increase in activity through Planning, due to general economic circumstances.

Mr. Fletcher reviewed some graphs that he had prepared that spoke to the activity within the Department of Community Development over the past decade. He said as you can see we were rather steady on Home Occupation and Sign Permits. The more interesting graph is the building permit graph. As you can see we are about where we were in the beginning of the decade with the issuing of building permits. The big spike came in 2006-2007 with a boom in multifamily development. He also noted that December 2009 was the first month in many years that Planning Commission had no new items of business to review, which may have been due to the current economy.

Mr. Chenault moved to approve the 2009 Planning Commission Annual Report.

Mrs. Fitzgerald seconded.

Chairman Jones said we have a motion and a second. He then called for a voice vote.

All voted in favor (7-0).

Adjournment

The meeting was adjourned at 7:25 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks